

Richard J. McCord, Esq.
CERTILMAN BALIN ADLER & HYMAN, LLP
Counsel to Josh Guberman
90 Merrick Avenue
East Meadow, NY 11554
Phone: (516) 296-7000
Fax: (516) 296-7111

Hearing Date: July 15, 2025
Time: 10:00 a.m.
Objections Due: July 8, 2025
Time: 4:00 p.m.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 7

BAILEY BUONIELLO,

Case No.: 24-74425-las

Debtor.

-----X

**NOTICE OF HEARING TO CONSIDER APPLICATION FOR AN ORDER (I)
DIRECTING A RESPONSIBLE PARTY OF WHATNOT INC. TO COOPERATE AND
COMPLY WITH THE SUBPOENA FOR RULE 2004 EXAMINATION AND
TURNOVER DOCUMENTS; AND (II) ORDER DIRECTING MICHELE SILVERMAN
TO COOPERATE AND COMPLY WITH THE SUBPOENA FOR RULE 2004
EXAMINATION AND TURNOVER DOCUMENTS**

PLEASE TAKE NOTICE, that a hearing will be held before the Honorable Louis A. Scarcella, United States Bankruptcy Judge for the Eastern District of New York, at the Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Room 970, Central Islip, New York 11722, with such hearing to occur in person, on the **15TH day of July, 2025 at 10:00 a.m. (EST)**, or as soon thereafter as counsel can be heard, to consider the Application of Josh Guberman ("Guberman") pursuant to 11 U.S.C. §105 and Rules 2004 and 9014 of the Federal Rules of Bankruptcy for an Order (i) directing a responsible party of Whatnot Inc., to cooperate with Guberman, comply with the Subpoena for Rule 2004 Examination dated March 27, 2025, and served on March 31, 2025, and turnover the documents requested therein and appear for an examination; (ii) directing Michele P. Silverman of Silverman & Associates, to cooperate with

Guberman, comply with the Subpoena for Rule 2004 Examination dated March 18, 2025 and served on March 31, 2025, and supplemental request dated May 2, 2025, and turnover the documents requested therein and appear for an examination; and (iii) for such, other further and related relief as the Court deems just, proper and equitable (the "Motion").

PLEASE TAKE FURTHER NOTICE, that objections to the relief requested in the Motion, must be in writing, stating with specificity the basis or bases on which such party in interest objects to the within Motion, filed with the Bankruptcy Court at the Court's website www.nyeb.uscourts.gov (Password and Login Required) and shall be delivered to the Chambers of the Honorable Louis A. Scarella, and a hard copy shall be served upon (i) counsel to Guberman, Certilman Balin Adler & Hyman, LLP, 90 Merrick Avenue, East Meadow, New York 11554 (Attn: Richard J. McCord, Esq.); and (ii) the Office of the United States Trustee, Eastern District of New York, Alfonse M. D'Amato U.S. Courthouse, 560 Federal Plaza, Central Islip, New York 11722. All filings and service are to be made so as to be actually received by each party on or before **July 8, 2025, at 4:30 p.m.**

PLEASE TAKE FURTHER NOTICE that objecting parties are required to attend the Hearing and failure to appear may result in relief being granted or denied upon default.

PLEASE TAKE FURTHER NOTICE, Judge Scarella will be conducting hearings in person, except that any party in interest may, for good cause, request that a hearing be conducted telephonically by filing with the Court and serving on all affected parties a letter setting forth the justifications for such request at **least seven (7) days prior to the scheduled hearing**. The Court will consider any such requests on a case-by-case basis, based on the particular facts and circumstances of the case. If an opposing party files an objection and the hearing is in person, the opposing party must appear in person. The Court may also sua sponte alter the format of any

given hearing from an in-person format to one conducted by telephone based on the particular facts and circumstances of the case, or factors external to the particular case such as weather conditions or public health concerns. **All attorneys and unrepresented parties are required to register for the hearing(s) at least two (2) business days in advance of the scheduled hearing by using the Court's eCourt Appearances platform: <https://ecf.nyeb.uscourts.gov/cgi-bin/nyebAppearances.pl>.** Parties do not need to contact the Courtroom Deputy to request prior authorization to appear telephonically. If for some reason you are not able to use the eCourt Appearances platform, you must email the Courtroom Deputy at: las_hearings@nyeb.uscourts.gov at least two (2) business days prior to the hearing and state that a reasonable effort to use the platform has been made. You must include your name, the case number(s), who you represent if you are an attorney, and the date of the hearing. **Your email must include in the Re line "I am not able to register using eCourt Appearances."** You will then be provided with the dial in / log in information. If you do not have internet access you may call the Courtroom Deputy with this information at (631) 712-6278.

PLEASE TAKE FURTHER NOTICE, that the hearing to consider the Motion may be adjourned without further notice other than announcement of such adjournment in Court on the date scheduled for said hearing.

Dated: East Meadow, New York
June 18, 2025

CERTILMAN BALIN ADLER & HYMAN, LLP
Counsel for Josh Guberman

By: /s/ Richard J. McCord
RICHARD J. MCCORD, ESQ.
90 Merrick Avenue
East Meadow, New York 11554
(516) 296-7000